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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/932,707 | 08/17/2001 | Charles Calvin Byers | 44-6 | 5770 |

7590 11/03/2004
Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

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| EXAMINER |
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BELLO, AGUSTIN

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| ART UNIT | PAPER NUMBER |
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2633

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,707

Applicant(s)

BYERS ET AL.

Examiner

Agustin Bello

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4-6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamanaka (U.S. Patent No. 5,500,523).

Regarding claims 1 and 11, Hamanaka teaches a processing unit (Figure 4) for use in a stored program controlled system comprising a plurality of processing units, wherein communication among said processing units is effected by a free space beam line (reference letter A in Figure 2) configured to contain optically encoded signals transmitted among said plurality of processing units, said processing unit comprising: an aperture (reference numeral 11a in Figure 2) for passage of said beam line configured to permit installation and removal of said processing unit without blocking said beam line; and means (reference numeral 31,32 in Figure 2) in said aperture connected to each of said plurality of units for receiving optically encoded signals from said beam line after installation of said processing unit.

Regarding claim 2, Hamanaka teaches that said processing unit comprises a frame (reference numeral 20 in Figure 4).

Regarding claim 3, Hamanaka teaches that said processing unit including a removable portion (reference numeral 10 in Figure 4) so that said beam line is not blocked during installation.

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Regarding claims 4 and 12, Hamanaka teaches that said removable portion of said processing unit is configured to be replaceable after installation without blocking said beam line (as seen in Figure 4).

Regarding claims 5 and 13, Hamanaka teaches that said means for receiving optically encoded signals from said beam line is movable (in that card removable portion 10 can be slid in and out of slot 20a in Figure 4) to optimally receive said optically encoded signals in said beam line.

Regarding claim 6, Hamanaka teaches that said means for transmitting optically encoded signals into said beam line is movable (in that card removable portion 10 can be slid in and out of slot 20a in Figure 4) to optimally transmit said optically encoded signals into said beam line.

Regarding claim 7, Hamanaka teaches that said processing unit comprises a board (reference numeral 10 or 20 in Figure 4).

Regarding claim 8, Hamanaka teaches that said board includes a second aperture (as seen in the plural reference numeral 2 and 31, 32 in Figure 4) .

Regarding claim 9, Hamanaka teaches that said means for receiving optically encoded signals from said beam line is movable (in that card removable portion 10 can be slid in and out of slot 20a in Figure 4) to optimally receive said optically encoded signals in said beam line.

Regarding claim 10, Hamanaka teaches that said board includes a second means for receiving optically encoded signals from a second beam line and is movable (in that card removable portion 10 can be slid in and out of slot 20a in Figure 4) to optimally receive said optically encoded signals in said second beam line.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

Agustin Bello
Examiner
Art Unit 2633

A. Bello
10/28/2004